

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

LINDA JO ROBINSON

PLAINTIFF

vs.

CASE NO. 5:05CV139GH

UNITED STATES OF AMERICA

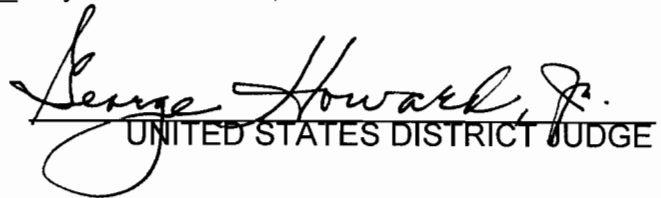
DEFENDANT

**ORDER**

On October 19, 2006, the Court directed the parties to address the issue raised by defendant regarding plaintiff's standing. Plaintiff was directed to file her brief within thirty days of October 19<sup>th</sup> Order. On October 23, 2006, defendant's attorney wrote the attached letter to plaintiff's counsel and the Court proposing certain action plaintiff could take to remedy problems regarding standing and limitations.

More than thirty days has passed since the October 19<sup>th</sup> Order. Nothing has been filed by plaintiff's counsel. Plaintiff's counsel is directed to take action within twenty days with regard to this case. That counsel is appointed does not relieve counsel of his duty to represent plaintiff's interests. The Court also reminds plaintiff's counsel of the availability of court funds for reimbursement of expert expenses.

IT IS SO ORDERED this 28 day of November, 2006.

  
UNITED STATES DISTRICT JUDGE



United States Attorney  
Eastern District of Arkansas

Post Office Box 1229 501-340-2600  
425 W. Capitol Avenue, Suite 500  
Little Rock, Arkansas 72201 FAX 501-340-2730

October 23, 2006

The Honorable George Howard, Jr.  
U.S. District Court Judge  
600 West Capitol, Room 276  
Little Rock, AR 72201

Whit Barton  
The Barton Law Firm  
P.O. Box 507  
Monticello, AR 71657

Re: *Linda Jo Robinson v. USA*

Dear Judge Howard and Mr. Barton:

I found a 1962 8th Circuit case, *Russell v. New Amsterdam Casket Co.*, 303 F.2d 674 (8th Cir. 1962). It was cited and relied upon by *Barrett v. U.S.*, 622 F.Supp. 574 (D.C.N.Y. 1985). Under these cases, it would appear that plaintiff can remedy its problems regarding proper party and limitations.

First, Plaintiff would need to file a motion for leave to amend complaint to make the plaintiffs Linda Jo Robinson, individually, and as administrator of the estate of Kimberly Nell Robinson, deceased, and ask that the amendment be deemed to relate back to date complaint was filed. Defendant will not oppose the motion.

Next, an order needs to be entered granting leave to so amend and stating that the amendment relates back to the date of the filing of the Complaint pursuant to Rule 15c of the Federal Rules of Civil Procedure.

Next, the amended complaint needs to be filed, and Defendant will refile its answer. The statute of limitations will not apply.

Plaintiff does need to go ahead and brief the medical expert/common knowledge issue so its case can proceed to a new setting.

RECEIVED  
CHAMBERS OF  
GEORGE HOWARD, JR.

OCT 23 2006

U.S. DISTRICT JUDGE

Sincerely;

BUD CUMMINS  
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read "Fletcher Jackson", with a stylized flourish at the end.

By FLETCHER JACKSON  
Assistant U. S. Attorney

FJ/ms